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September 28, 2023

Via ECF

Hon. Arun Subramanian
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Reyes v. A.B. Bakery Restaurant Corp. et al.*
Case No. 1:23-cv-01612

Dear Judge Subramanian:

This office represents Plaintiff in the above-referenced matter. We write to request that the Court compel Defendants to: (i) provide the 216(b) list, Per Your Honor's Order, dated September 11, 2023 [Dkt. No. 40], and (ii) respond to Plaintiff's discovery requests, served in accordance with the So Ordered CMP [Dkt. No. 35].

Following the Court's Order on September 11, 2023, granting Plaintiff conditional collective certification, Plaintiff emailed counsel for Defendants to inquire about the status of their collective employee list, due on September 21, 2023 [Dkt. No. 40], and to request to meet and confer regarding Defendants' delinquent responses and document production to Plaintiff's discovery requests, which were due on September 11, 2023. Plaintiff emailed Defendants on September 15, 2023, and again on September 19, 2023. To date, Defendants have not produced a collective employee list, responded to Plaintiff's discovery requests, or even responded to Plaintiff's requests to meet and confer.

Pursuant to Rule 5(C) of Your Honor's Individual Practices, Defendants were required to meet and confer within 2 business days following Plaintiff's request. They have not done so. To the contrary, Defendants have failed to comply with Your Honor's Orders, failed to comply with Your Honor's Individual Practice Rules, and failed to comply with their discovery obligations.

In view of the foregoing, Plaintiff respectfully requests that the Court compel Defendants to cure the above detailed deficiencies by October 2, 2023, and assess any additional relief the Court finds proper.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.
cc: all parties via ECF

Plaintiff's motion is DENIED as moot. On September 28, 2023, Defendants indicated that they would produce the requested discovery no later than October 13, 2023. In response, Plaintiff withdrew this motion.

The Clerk of Court is directed to terminate the motion at ECF No. 43.

SO ORDERED.


Arun Subramanian, U.S.D.J.
Date: October 2, 2023